

Tom

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

03 JUL -8 AM 9:52

UNITED STATES OF AMERICA,

Plaintiff,

V.

Gibert GARCIA-Gonzalez,
Aka: Gilberto GARCIA-Guerrero

Defendant

Magistrate Docket No.

'08 MJ 2071

COMPLAINT FOR VIOLATION OF:


Title 8 U.S.C., Section 1326
Deported Alien Found in the
United States

ECU


The undersigned complainant, being duly sworn, states:

On or about **July 7, 2008**, within the Southern District of California, defendant, **Gibert GARCIA-Gonzalez**, (aka:Gilberto GARCIA-Guerrero) an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF JULY 2008.



William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:


Gibert GARCIA-Gonzalez

PROBABLE CAUSE STATEMENT

On Monday, July 7, 2008, Border Patrol Agent R. Rauseo was conducting Border Patrol Duties in Jamul, California. At approximately 6:00 a.m., Agent Rauseo responded to a seismic intrusion device activation near the Otay Truck Trail. This area is located approximately 8 miles east of the Otay Mesa, California Port-of-Entry and approximately 2 miles north of the International Border between the United States and Mexico.

Border Patrol Agent J. Kovach, who was operating an infrared scope truck in the area, observed five individuals walking northbound. Agent Kovach directed Agent Rauseo towards the five individuals. At approximately 6:30 a.m., Agent Rauseo located five individuals resting. Agent Rauseo identified himself as a Border Patrol Agent and performed an immigration inspection. All five, including one later identified as the defendant **Gibert GARCIA-Gonzalez**, (aka: Gilberto GARCIA-Guerrero) stated that they were citizens of Mexico and that they had entered illegally by walking through the mountains. All five were placed under arrest and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 26, 2007** through the Port of Entry at **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.



James Trombley
Senior Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

7/8/08 0935hrs
Date/Time